In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 407 of 2007

Date of Decision: 12.01.2007

Paramjit Kaur and another.

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. K.S. Hissowal, Advocate
for the petitioner.

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J.S. Khehar, J. (Oral).

Learned counsel for the petitioner has invited our attention to the advertisement, translated extract whereof has been placed on the record of this case as Annexure P-1. We have perused Annexure P-1, as well as, the Punjabi version thereof, also available on the record of this case.

The vehement contention of the learned counsel for the petitioner is, that inter se merit of candidates for admission to the ETT course is to be determined on the basis of the percentage of marks obtained by the candidates in the 10+2 examinations. It is, therefore, submitted by the learned counsel for the petitioner, that taking into consideration the achievements of candidates in the matriculation examination, is irrelevant. It is on this basis, that learned counsel for the petitioner desires to challenge

the constitutional validity of Clause III of the advertisement, which expressly mandates, that to be eligible for admission to the ETT course, the concerned candidate should qualify the matriculation examination in all the subjects. This, according to the learned counsel for the petitioner, is arbitrary, and as such, violative of Article 14 of the Constitution of India.

We have considered the aforesaid contention of the learned counsel for the petitioner. We, however, find no merit therein. It goes without saying, that if there is a choice available for making admissions to a course between a candidate who has passed the matriculation examination in all the subjects, and one who has not done so, the one who has qualified the matriculation examination in all the subjects, is bound to be treated as more meritorious than the other. As such, we find no arbitrariness in the clause, vires of which have been challenged at the hands of the petitioner.

Dismissed.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

12.01.2007
sk.